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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,463	07/13/2001	Stefano Faccin	59864.01162	4383

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EXAMINER

TRAN, TONGOC

ART UNIT	PAPER NUMBER
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2134

MAIL DATE	DELIVERY MODE
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06/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/905,463	<b>Applicant(s)</b> FACCIN ET AL.	
	<b>Examiner</b> Tongoc Tran	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-38, 43-45 and 54-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-38, 43-45, 54-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 2/21/2007 has been entered. Claims 29, 34, 37, 38, 43-45, 55 and 58 have been amended. Claim 60 has been added. Claims 29-38, 43-45 and 54-60 are pending.

### ***Response to Arguments***

2. Applicant's argument In respect to Double Patenting has been considered and is persuasive. Claims 29, 54 and 59 rejected under Double Patenting and their dependent claims 30-38, 43-45 and 55-58 have been withdrawn.

Applicant's arguments with respect to amended claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29--38 and 43-45 and 54-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handley et al., hereinafter Handley, ("Network Working Group", March 1999) in view of Hardjono (U.S. Patent No. 6,425,004) and further in view of Nuutinen (U.S. Patent No. 6,865,681)

In respect to claim 29, Handley discloses a network control element, wherein during a subscriber equipment terminated call, the network control element is configured to:

- send a session invitation message to the subscriber equipment, the session invitation message including authentication information (e.g. Handley, page 26-27, page 44, 6.11, authorization),

- determine whether it has to perform a verification of the authentication, and, if the network control element does not perform the verification, forward a scheduled result to a second network control element by including the scheduled result into the session invitation message (e.g. Handley, page 60, 6.27).

If the network control element has to perform the verification, receive the scheduled result from another network control element, wherein the scheduled result is included in the session invitation message (e.g. Handley, page 60, 6.27 and page 108, 13.2). Handley does not disclose extract the scheduled result from the session invitation message and forward the session invitation message without the scheduled result to the subscriber equipment, and to verify an authentication result with a scheduled result. However, Hardjono discloses an exemplary logic for processing and authenticating data packet (e.g. Hardjono, col. 5, line 60-col. 6, line 9, "receiving router

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verifies the routing information in the packet....authenticating the routing information using authentication information contained in the routing information"). Nuutinen discloses different authentication schemes (e.g. MAC) in SIP authentication (e.g. Nuutinen, col. 12, lines 16-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the authentication between subscriber and server during a subscriber terminated call taught by Handley and Nuutinen with extracting and authenticating routing information in data packet to ensure the integrity of the message and the sender (Nuutinen, col. 12, lines 25-28).

In respect to claim 30, Handley, Hardjono and Nuutinen disclose the network control element according to claim 29, wherein the network control element is adapted to receive a response message as a response to the session invitation message from a subscriber equipment, the response message including a result of an authentication procedure performed by the subscriber equipment (e.g. Handley, pages 42-44, 59-61 and 115)

In respect to claim 31, Handley, Hardjono and Nuutinen disclose the network control element according to claim 30, wherein the network control element is adapted to verify the authentication procedure result (e.g. Handley, pages 42-44, 59-61 and 115).

In respect to claim 32, Handley, Hardjono and Nuutinen disclose the network control element according to claim 31, wherein the network control element is adapted for forwarding the response message of the subscriber equipment to an originating entity initiating the session invitation without the result of the authentication procedure in case of a positive verification (e.g. Handley, pages 42-44, 59-61 and 115)

In respect to claim 33, Handley, Hardjono and Nuutinen disclose the network control element according to claim 31, wherein the network control element is adapted to forward a failure message to an originating entity initiating the session invitation in case of a negative verification (e.g. Handley pages 42-44, 59-61, and 115).

In respect of claim 34, Handley, Hardjono and Nuutinen disclose the network control element according to claim 29, wherein in the network the SIP (Session Initiation Protocol) protocol is adopted as a control protocol (e.g. Handley, pages 42-44, 59-61 and 115).

In respect to claim 35, Handley, Hardjono and Nuutinen disclose the network control element according to claim 34, wherein the session invitation message is a SIP INVITE request including an authentication header field (e.g. Handley, pages 114-117).

In respect to claim 36, Handley, Hardjono and Nuutinen disclose the network control element according to claim 34, wherein the response message is a SIP

response message including an authorization header field (e.g. Handley, pages 25-26 and pages 114-117).

In respect to claim 37, Handley, Hardjono and Nuutinen disclose the network control element according to claim 31, wherein the network control element performing the verification is adapted to serve an originating entity initiating the session invitation (e.g. Handley pages 25-26, 41-61 and page 112-116).

In respect to claim 38, Handley, Hardjono and Nuutinen disclose the network control element according to claim 31 wherein the network control element performing the verification is adapted to serve the subscriber equipment (e.g. Handley, pages 108)

In respect to claim 43, Handley, Hardjono and Nuutinen disclose the network control element according to claim 29, wherein the network control element is further adapted to receive a response message from the subscriber equipment, the response message including a result (AuthData 2) of the authentication procedure and network authentication information (AuthData3) which is used by the subscriber equipment to perform an authentication of the network (e.g. Handley pages 25-26, 41-61 and page 112-116).

In respect to claim 44, Handley, Hardjono and Nuutinen disclose the network control element according to claim 43, wherein the network control element is further

adapted to determine a network authentication result (AuthData4) in response to the network authentication information (AuthData4) and to send the network authentication result (AuthData4) to the subscriber equipment (e.g. Handley pages 25-26, 41-61 and page 112-116).

In respect to claim 45, Handley, Hardjono and Nuutinen disclose the network control element according to claim 31, wherein the network control element is adapted to repeat the verification for a predetermined number of times, wherein different authentication information (AuthData1) are used (e.g. Handley, pages 114-117).

In respect to claims 54-60, the claimed limitations are method and computer program claims that are substantially similar to system claim 29 and 31-33. Therefore, claims 54-60 are rejected based on the similar rationale.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 30, 2007

  
KAMBIZ ZAND  
SUPERVISORY PATENT EXAMINER